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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SARAH GRINENKO,

9 Plaintiff,

10 v.

11 OLYMPIC PANEL PRODUCTS, et al.,

12 Defendants.

CASE NO. C07-5402BHS

ORDER GRANTING MOTION
TO EXTEND DEADLINE FOR
DISCLOSURE OF EXPERT
REPORT

13 This matter comes before the Court on Defendant Olympic Panel Products'
14 ("Olympic") Motion to Extend the Deadline for Disclosure of Defendants' Expert Report.
15 Dkt. 121. The Court has considered the motion, Plaintiff's response, and the remainder of
16 the file and hereby grants Olympic's motion for the reasons stated herein.

17 On July 17, 2008, the Court issued a scheduling order setting the deadline for the
18 disclosure of expert witnesses and reports under Fed. R. Civ. P. 26(a)(2) for August 11,
19 2008, and the deadline for the completion of discovery for October 20, 2008.

20 Olympic moves the Court to extend the deadline to disclose the report of
21 Olympic's psychological expert, Dr. Gerald Rosen, to October 3, 2008. Olympic has
22 retained Dr. Rosen to conduct an examination of Plaintiff pursuant to Fed. R. Civ. P. 35.
23 Plaintiff opposes Olympic's motion to extend the deadline. Dkt. 122. Plaintiff argues that
24 Olympic has not provided a reason that justifies the extension of the deadline, and that
25 Olympic has had a "substantial period of time" to respond to Plaintiff's expert report.
26 Plaintiff did not specify if or how extending the deadline for Olympic's expert report
27 would prejudice Plaintiff.
28

1 Under Fed. R. Civ. P. 35(a)(1), a party may move the court to “order a party whose
2 mental or physical condition . . . is in controversy to submit to a physical or mental
3 examination.” Upon request, the moving party must deliver a copy of the examiner’s
4 report to the requesting party. Fed. R. Civ. P 35(b)(1).

5 Olympic’s proposed disclosure deadline for this report takes place before the
6 deadline for the completion of discovery. The Court finds that setting a September 26,
7 2008, deadline for the disclosure of Olympic’s Psychological Expert Report will provide
8 Olympic the opportunity to examine Plaintiff and prepare an expert report, while also
9 obviating any potential prejudice to Plaintiff.

10 The Court also notes its concern that Olympic apparently did not make a good
11 faith effort to confer with Plaintiff prior to the filing of this motion. Olympic’s letter to
12 Plaintiff proposing dates for the scheduling of the examination and disclosure of the
13 report under Fed. R. Civ. P. 35 was dated on the same day that Olympic filed the motion
14 to extend the deadline with the Court. The Court expects the parties to make good faith
15 efforts to meet and confer prior to filing any motions related to discovery.


16 Therefore, it is hereby

17 **ORDERED** that Defendant Olympic Panel Products’ Motion to Extend the
18 Deadline for Disclosure of Defendant’s Expert Report (Dkt. 121) is **GRANTED**, as
19 provided herein. The schedule to disclose Defendant’s expert report is as follows:

20 Disclosure of Defendant’s Psychological Expert Report: September 26, 2008

21 Rebuttal Expert to Defendant’s Psychological Expert: October 3, 2008

22 DATED this 21st day of August, 2008.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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